Provided that no order under this sub-section shall be made in the case of a criminal lunatic, otherwise than as provided by section 20 of this Regulation.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases.

29. A lunatic detained in the asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Provided that no lunatic shall be so discharged if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

Order of discharge on undertaking of relative for due care of the lunatic.

30. When any relative or friend of a lunatic detained in the asylum under the provisions of section 12 or 13 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind.

31. If any lunatic detained in the asylum on a reception order made under sections 6, 9, 12 or 13 is subsequently found on an inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Escape and re-capture.

Order to justify detention and recapture after escape.

32. Every person received into the asylum under any such order as is required by this Regulation, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police officer or by the person in charge of the asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in the asylum:

Provided that in the case of a lunatic not being a criminal lunatic the power to re-take such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

33. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Application by whom to be made.

34. Application for such inquisition may be made by any relative of the alleged lunatic or by the Government Pleader, as defined in the Code of Civil Procedure, 1911, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Deputy Commissioner of the district in which it is situate.

Notice of time and place of inquisition.

35. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it things fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

Powers of Court in respect of attendance and examination of lunatics.

36. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

Rules respecting attendance and examination of females alleged to be lunatic.

37. The attendance and examination of the alleged lunatic under the provisions of section 36 shall, if the alleged lunatic be a woman who according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other Civil cases.

Inquisition by District Court and finding thereon.

38. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assesors to the Court in the said inquisition.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereof.

39. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(2) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 38, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates.

40. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.

41. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Deputy Commissioner to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Deputy Commissioner previously obtained.

(2) The Deputy Commissioner shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Deputy Commissioner.

42. All proceedings of the Deputy Commissioner in regard to the person or estate of a lunatic under this chapter shall be subject to the control of Government or of such authority as it may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

43. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may instead of appointing a manager of the estate of a lunatic proceed under Sections 44 and 45.

(2) Any person who has been appointed by the District Court or Deputy Commissioner to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Deputy Commissioner, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

44. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may instead of appointing a manager of the estate, order that the property if realised, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Power to apply property for lunatic's in case of temporary lunacy.

45. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under Section 44 direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

46. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Remuneration of managers and guardians.

47. A guardian of the person of a lunatic or a manager of his estate appointed under this chapter shall be paid such allowance, if any, as the Court or the Deputy Commissioner, as the case may be, thinks fit for his care and pains in the execution of his duties.

Duties of guardian.

48. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Deputy Commissioner, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

Powers of manager.

49. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Provided that no manager so appointed shall without the permission of the Court--

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

Manager to furnish inventory and annual accounts.

50. (1) Every person appointed by the District Court or by the Deputy Commissioner to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Deputy Commissioner, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

(2) Every such manager shall also furnish to the Court or to the Deputy Commissioner annually, within three months of the close of the year an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

Proceedings if accuracy of inventory or accounts is impugned.

51. If any relative of the lunatic, or the Deputy Commissioner by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Deputy Commissioner, if the manager was appointed by the Deputy Commissioner.

Payment into public treasury and investment of proceeds of estate.

52. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities that may be authorised for this purpose by Government, unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Relative may sue for an account.

53. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or any sums of money or other property received by him on account of such estate.

54. (1) The District Court, for any sufficient cause, may remove any manager appointed by it and may appoint any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

Removal of managers and guardians.

(2) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Deputy Commissioner, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and my appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Deputy Commissioner, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

55. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Penalty on manager for refusing to deliver accounts or property.

56. (1) When any person has been found under this chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of magaging himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside, on such terms and conditions as to the Court may seem fit.

57. An appeal shall lie to the Chief Court from any order made by a District Court, under this chapter.

Appeals.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSE OF LUNATICS.

58. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application of property in the possession of a lunatic found wandering.